



Court Order Delayed Registration Of Birth



Upon request, this document will be made available in Braille, large print, and audiocassette or computer disk. To obtain a copy in one of these alternate formats, please call or write:

California Office of Vital Records
M.S. 5103
P.O. Box 997410
Sacramento, CA 95899-7410
Telephone: (916) 445-2684
California Relay: 711/1-800-735-2929
www.dhs.ca.gov (then select "Services")

Court Order Delayed Registration of Birth

If a person's birth was never registered, or there's no record of the birth on file, what can I do?

- If you (or your child) were born in California, and the birth was never registered, or a certified copy is not obtainable, you can file an Application for Delayed Registration of Birth (form VS 85) with our office. The law requires that you provide evidence and affidavits supporting the birth.

If you have the appropriate evidence and affidavits to support the birth, and want more information about the process, you can download our pamphlet (Delayed Registration of Birth) from our website, or you can call our Customer Service Unit (916/445-2684) and we'll mail you a copy.

Note: If your child is less than one year old, you **must** register the birth through the local registrar of births in the county where the child was born.



- **Court Process:** *If you don't have the appropriate evidence and affidavits, you must petition the Superior Court to judicially establish the fact of birth.* This pamphlet will guide you through the process.

What's a delayed registration?

- A Delayed Registration of Birth is a way to register a California birth when the birth wasn't registered within the first year, or a certified copy is not obtainable.

Who can apply for a court order delayed birth certificate?

- Any beneficially interested person can petition the Superior Court to judicially establish the facts of birth.
- This can be done in the Superior Court in either the county of residence of the person whose birth is being established (doesn't have to be in California), or in the California county where the birth was alleged to have occurred.

How do I petition the court?

- We suggest you contact a family law attorney for legal advice in this matter. Our staff cannot provide legal advice, nor do we have information about the legal process.

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How do I petition the court?

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- There are also books available at bookstores or public libraries to help you with the court process.
 - You can also access the following website for additional information about the court process: www.courtinfo.ca.gov.
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After I get the court order, what do I submit to register the birth?

- At the time of the court hearing, you must present the court with a completed Order Establishing Fact of Birth/Court Order Delayed Registration of Birth (VS 108), along with any documents you have that support the date and place of birth.
- Once the court establishes the fact of birth, mail the following items to our office using the address on the front of this pamphlet:
 - **Certified** copy of the Order Establishing Fact of Birth (top of VS 108)
 - Completed Court Order Delayed Registration of Birth (bottom of VS 108)
 - \$20 fee

See next section for explanation of “certified” copy.

We don’t return the court order after the birth certificate is prepared.

- ***If any of these items aren’t included, your request will be returned to you for correction.***
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What’s a “certified” copy of the court order?

1. A “certified” copy of the court order must be a **copy** of the order that was originally prepared by the court. ***It cannot be an original printout.***

If the court gives you an original printout, please ask them to make a photocopy.

2. The photocopy that the court gives you must have:
 - a. An **original** court seal.
 - b. A signature (or signature stamp) of the judge.
 - c. A signature (or signature stamp) of the court clerk.

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**What's a
"certified" copy
of the court order?**

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IMPORTANT:

- ✓ The "certified" copy must have an **original** court seal and a signature (or signature stamp) of the court clerk. It's the **original** seal and court clerk signature (certification) that make this a "certified" copy.
- ✓ Do not send us a copy where the court seal has been photocopied. The court seal must be an **original** seal.
- ✓ The court seal and signature must appear on the actual certified copy (either front or back) – and not on a blank sheet of paper.
- ✓ The "FILED / ENDORSED" stamp in the top right corner of the court order **is not** the court clerk's certification.
- ✓ You should keep a photocopy of the court order for your own file.

**What's the fee
for a court order
delayed
registration?**

- \$20 – which includes one Certified Copy of the birth certificate.
- Additional copies are \$14 each.
- Fees should be paid by check or money order payable to **Office of Vital Records**. International money orders for out-of-country requests should be payable in U.S. dollars.

**Where can
I get the
VS 108?**

One copy is included with this pamphlet. **Photocopies are not acceptable.** If you need additional copies of the VS 108:

- Order forms electronically at www.dhs.ca.gov/hisp/chs/ovr/ovrformsreq.asp. Because of the volume of phone calls we receive, the internet is usually a faster process for our customers than calling our Customer Service Unit.
- Call our Customer Service Unit at (916) 445-2684.
- You can also get the form from the County Recorder or County Health Department in any California county.

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How do I complete the VS 108?

A sample of what a completed form should look like is attached.

The VS 108 is a two-part perforated form.

- The top part is the court order that will be signed by the judge.
- The bottom part becomes the official birth certificate that will be filed in our office (State Registrar) and provided to the County Recorder's Office in the county where the birth occurred.

PART ONE (Top Portion) – Order Establishing Fact of Birth

- Complete all items except the judge's signature and the line at the bottom that states "Done in this court this _____ day of _____ A.D., 20 _____."
- Your reason for having to file the birth by court order must be included on the Order (middle of the form, on the line that begins "in that"). If the reason isn't included, you'll have to return to court, have the Order amended, and provide us with a certified copy of the amended Order.

Before you leave the courthouse, make sure:

- There's a file number on the Order.
- The Order has been **certified**. (See previous section for explanation of "certified" copy.)

We don't return the court order after the birth certificate is prepared.

PART TWO (Bottom Portion) – Court Order Delayed Registration of Birth

- Do not write on the "State File Number" or "Local Registration District" lines (directly below perforation) or on the bottom part of the form marked "State Registrar Use Only."
- Complete items 1A through 11 only.

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**What makes
a VS 108 form
“acceptable”?**

Important Information

Birth certificates are legal documents that must be able to hold up in any court, unchallenged as to their accuracy and reliability.

Because the bottom part of the VS 108 becomes the actual birth certificate, it must adhere to strict guidelines:

- Items 1A through 11 must be completed.
- The form must be an original, not a photocopy.
- Because the form becomes the official record, every word and letter must be extremely clear and legible. ***Using a typewriter to complete the form ensures that the information is interpreted clearly.***
- If you're not able to type the form, it's extremely important that you take the extra time to print ***very clearly and legibly***. Documents that aren't legible will be returned to you to complete again.
- ***Only black ink is acceptable.***
- ***There can't be any erasures, whiteout, or alterations.***

**How will I know
if my request has
been accepted?**

Once your request has been received and evaluated, we'll send you either:

- A postcard letting you know your request has been accepted, and reminding you of our processing time.
- If your request is not accepted (e.g., due to insufficient fee, insufficient information, etc.), we'll return your request to you with a letter explaining what needs to be corrected.

Please allow about 6 weeks to receive the acknowledgement postcard. Rejected requests can take up to 10 weeks to be returned.

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ORDER ESTABLISHING FACT OF BIRTH

In the Superior Court of the State of California

In and for the County of _____

in the matter of the petition of

Mary Jane Smith

Number _____

to establish the fact of birth of

Department _____

Michael James Smith

The verified petition of Mary Jane Smith to establish the fact of the birth

of Michael James Smith

having been filed herein on

the 4th day of August, A.D., 20 04, and such petition having by an order of court been duly set

for hearing on the 22nd day of August, A.D., 20 04, at the hour of 10 o'clock a m. of said

day; and now on said day said matter coming on regularly for hearing and it appearing to the satisfaction of this court from

the evidence introduced that the said Mary Jane Smith

petitioner herein is beneficially interested in establishing of record the fact of the birth of said Michael James Smith

in that Michael James Smith was born at home and

we did not register his birth

and it appearing that on

the 3rd day of May, A.D., 20 00, a male child was born to John

Michael Smith, father/parent, and Mary Jane Smith, mother/parent;

that the name of said child is Michael James Smith; that said birth has not been registered in conformity with the provisions of law in effect at the time of said birth or such record has been lost or destroyed after having been filed; and no one appearing at said hearing to oppose the making of this order.

It is therefore ordered, adjudged and decreed, that on the 3rd day of May

A.D., 20 00, a male child of the name of Michael James Smith

was born to John Michael Smith, father/parent, and Mary Jane Smith, mother/parent

at Sacramento, County of Sacramento, State of California

Done in court this _____ day of _____ A.D., 20 _____

Judge of the Superior Court

Before filing the above order insert in the certificate form below, as of the date of the birth, the personal and statistical particulars required for the records of the State Registrar. A certified copy of the above order must be filed with the State Registrar before the order shall become effective. USE BLACK INK ONLY.

COURT ORDER DELAYED REGISTRATION OF BIRTH

USE BLACK INK ONLY—MAKE NO ERASURES, WHITEOUTS, OR OTHER ALTERATIONS

STATE FILE NUMBER		LOCAL REGISTRATION DISTRICT	
FACTS OF BIRTH	1A. FIRST NAME Michael	1B. MIDDLE James	1C. LAST Smith
	2. SEX Male	3A. THIS BIRTH, SINGLE, TWIN, ETC. Single	3B. IF MULTIPLE, THIS CHILD BORN 1ST, 2ND, ETC. —
	4. DATE OF BIRTH—MONTH, DAY, YEAR 05/03/2000		
	5A. PLACE OF BIRTH—NAME OF HOSPITAL OR FACILITY 1234 Main Street (At Home)	5B. CITY Sacramento	5C. COUNTY OR COUNTRY Sacramento
FATHER/PARENT	6A. NAME OF FATHER/PARENT—FIRST John	6B. MIDDLE Michael	6C. LAST (BIRTH) Smith
	7. STATE OF BIRTH California	8. DATE OF BIRTH—MONTH, DAY, YEAR 07/04/1980	
MOTHER/PARENT	9A. NAME OF MOTHER/PARENT—FIRST Mary	9B. MIDDLE Jane	9C. LAST (BIRTH) Jones
	10. STATE OF BIRTH California	10. DATE OF BIRTH—MONTH, DAY, YEAR 03/19/1981	
ABSTRACT OF SUPPORTING DOCUMENTS	12. NAME AND KIND OF DOCUMENT, BY WHOM ISSUED AND SIGNED, DATE ISSUED, DATE ORIGINAL MADE		
	A. _____		
	B. _____		
	C. _____		
	D. _____		
REGISTRANT INFORMATION AS STATED IN DOCUMENTS	13. DATE OF BIRTH OR AGE, BIRTHPLACE, NAME OF FATHER/PARENT, BIRTH NAME OF MOTHER/PARENT		
	A. _____		
	B. _____		
	C. _____		
	D. _____		
STATE REGISTRAR USE ONLY	14. Offered for filing pursuant to order number _____ of the Superior Court of the State of California in and for the County of _____ made the _____ day of _____, A.D. 20 _____ establishing of record the fact of birth in the State of _____		
	15A. DATE OF DEATH		15B. STATE FILE NO.
	16. OFFICE OF STATE REGISTRAR		17. DATE ACCEPTED FOR REGISTRATION
	<div style="border: 1px solid black; width: 20px; height: 10px; display: inline-block;"></div>		